



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/245,354	02/05/1999	CHARLES MARIE HERVE NOBLET	Q53197	4832

7590 02/25/2004

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE N W
WASHINGTON, DC 200373202

EXAMINER

TRAN, KHANH C

ART UNIT	PAPER NUMBER
----------	--------------

2631

DATE MAILED: 02/25/2004

10

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/245,354

Applicant(s)

NOBLET, CHARLES MARIE
HERVE

Examiner

Khanh Tran

Art Unit

2631

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 February 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The Amendment filed on 12/10/2003 has been entered. Claims 1-13 are pending in this Office action. Claim 14 has been cancelled.

Response to Arguments

2. Applicant's arguments, see pages 6-11, filed on 12/10/2003, with respect to the rejection(s) of claim(s) 1-3 and 7-10 under U.S.C. 102(e), and claims 4-6 and 11-14 under U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Seazholtz et al. U.S. Patent 5,790,952.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Seazholtz et al. U.S. Patent 5,790,952.

Regarding claim 1, Seazholtz et al. is directed to beacon system using cellular digital packet data (CDPD) communication for roaming cellular stations.

Art Unit: 2631

In one embodiment (column 22 lines 26-64), Seazholtz et al. discloses implementation of a universal beacon frequency to which all participating subscriber station handsets could be pre-programmed to automatically tune. The beacon utilizes cellular digital packet data (CDPD) frequencies to which all mobile subscribers in a predetermined geographic area would tune to obtain registration data. The CDPD frequency and beacon could each be dedicated to specific service providers to the exclusion of other carrier or service providers. Hence, a subscriber station handset receives communications from the beacon, which corresponds to the step of receiving communication from a first dedicated channel.

Seazholtz et al. does not disclose expressly the beacon is a pilot channel separate from a traffic channel and a control channel as claimed in the pending application. Nevertheless, one of ordinary skill the art would recognize that the beacon, as taught by Seazholtz et al., is the pilot channel as claimed. Furthermore, in another beacon arrangement (column 23 lines 5-26), individual subscriber station handsets tune to a CDPD frequency at which data would be broadcast to any subscriber station handset within range wherein the broadcast includes a home SID (system identification), a voice or control channel frequency. Hence, Seazholtz et al. impliedly teaches that the beacon is separate from a traffic channel and a control channel.

Mobile subscribers tune to the CDPD frequency to obtain the identity of a single carrier or service provider operating in a predetermined area, frequencies

Art Unit: 2631

used to direct the roaming subscriber to various voice channels to receive different types of data such as updated SID lists or calling features. In light of the aforementioned teachings, updating calling features should correspond to downloading reprogrammed data from voice channel, which is a second channel as claimed. Furthermore, one of ordinary skill in the art would appreciate that since the CDPD frequency carries frequencies used to direct the roaming subscriber to various voice channels, the broadcast data would impliedly include the frequency and radio access parameters of a voice channel.

Seazholtz et al. does not disclose expressly that bandwidth of the beacon is narrower than the bandwidth of voice channel. As well known in the art of cellular communications area, voice channel always occupies the largest bandwidth and has the highest priority. For the aforementioned reason, it would have been obvious for one of ordinary skill in the art at the time the invention was made that bandwidth of the beacon occupies less than the bandwidth of voice channel.

Regarding claim 2, as recited in claim 1, since the universal beacon frequency is utilized in a predetermined geographic area, one of ordinary skills in the art would appreciate that the beacon channel has a standard radio interface common to a plurality of network locations as claimed in the pending application.

Art Unit: 2631

Regarding claim 3, using similar rejection argument of claim 2, the voice channel, which is equivalent to the second channel as claimed in the pending application, has standard radio interface common to a plurality of network locations in the predetermined geographic area.

Regarding claim 4, claim 1 already discusses the claimed features and is recited again. The beacon utilizes cellular digital packet data (CDPD) frequencies to which all mobile subscribers in a predetermined geographic area would tune to obtain registration data. Since the CDPD frequency carries frequencies used to direct the roaming subscriber to various voice channels, a list of sets of parameters corresponding to networks available in the predetermined geographic area is broadcast on the beacon frequency.

Regarding claims 5 and 6, said claim is rejected using similar rejection argument of claim 4.

Regarding claim 7, as recited in claim 1, the mobile subscriber is programmed to tune to the CDPD frequency to obtain frequency used to direct the roaming mobile subscriber to voice channel. Hence, the mobile subscriber is configured to support the radio interfaces for both the beacon and voice channel.

Art Unit: 2631

Regarding claim 8, said claim is rejected using similar rejection argument of claim 1 because both claims have similar scope. Furthermore, as recited in claim 1, mobile subscribers tune to the CDPD frequency to obtain the identity of a single carrier or service provider operating in a predetermined area, frequencies used to direct the roaming subscriber to various voice channels to receive different types of data such as updated SID lists or calling features. In light of the aforementioned teachings, updating calling features should correspond to downloading reprogrammed data from voice channel, which is a second channel as claimed. Data broadcast on CDPD frequency includes a home SID (system identification), a voice or control channel frequency. That step would correspond to broadcasting, on the first channel, at least frequency and radio access parameters as claimed in the pending application.

Regarding claim 9, said claim is rejected using similar rejection argument of claim 2.

Regarding claim 10, said claim is rejected using similar rejection argument of claim 3.

Regarding claims 11-13, said claim is rejected using similar rejection argument of claim 4.

Art Unit: 2631

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chang et al. U.S. Patent 6,223,028 B1 discloses "Enhanced Method and System for Programming a Mobile Telephone Over The Air Within a Mobile Telephone Communication Network".

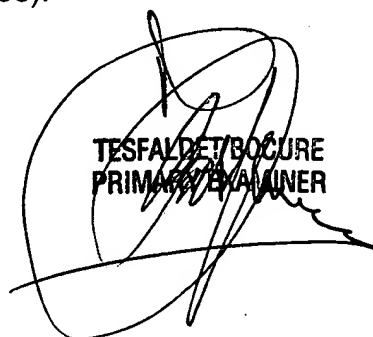
Suzuki et al. U.S. Patent 5,652,752 discloses "Mobile Radio Communication System Employing Time Division Multiple Transmission Scheme".

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khanh Tran whose telephone number is 703-305-2384. The examiner can normally be reached on Tuesday - Friday from 08:00 AM - 05:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad Ghayour can be reached on 703-306-3034. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KCT


TESFALDET/BOCURE
PRIMARY EXAMINER